THE CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY

SOLICITATION FOR PROPOSALS

Commuter Equipment

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for Computer Equipment for our schools.

All necessary forms and a full RFP may be obtained by calling 202-547-3975 ext. 10.

The Cesar Chavez Public Charter Schools will receive bids from July 6, 2007 to COB July 13, 2007. Send Proposals to:

Attn: Devin Murphy 709 12th Street, SE Washington, D.C. 20003.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NEIGHBORHOOD INVESTMENT FUND

NOTICE OF FUNDING AVAILABILITY

Neighborhood Grants Program

The District's Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for matching grants offered through the Neighborhood Grants Program (NGP) authorized under R16-0955 "Neighborhood Investment Act Spending Plan for Fiscal Year 2007 Emergency Approval Resolution of 2006."

The purpose of these funds is to provide eligible organizations with matching funds to carry out neighborhood based projects in the 12 target areas of the Neighborhood Investment Fund (NIF). The goal of the NGP is to build stronger, healthier, and safer communities by nurturing community relationships through civic action and participation.

Eligible applicants include not-for-profit 501c(3) organizations that can demonstrate a commitment to the NIF target area where the project is proposed through a successful track record of offering and operating programs, projects, services, or facilities (additional applicant eligibility requirements are listed in the Request for Applications). Eligible projects must fall into one of the following four categories: Cultural, Historic, Social, Recreational Initiatives; Education & Skill Building; Public Safety; Physical Improvements or Beautification. Proposed projects must be physically located within the boundaries of one of the NIF target areas and provide a public benefit to the target area that addresses a recognized need. Proposed projects must also involve residents of the neighborhood in all phases of project planning and implementation. Additional requirements and guidelines are detailed in the Request for Applications (RFA).

There are two levels of grants available: (1) Small & Simple: up to \$15,000 per project; and (2) Major Projects: up to \$75,000 per project. A total \$600,000 is available for this round of funding. The NGP requires a 1:1 match; matching requirements and eligible match forms are outlined in the RFA.

The Request for Applications will be released on Monday, July 2, 2007 and the deadline for submission is Tuesday, July 31, 2007 at 4pm. A pre-submittal meeting will be held on Tuesday, July 10, 2007 at 10am. Interested parties must RSVP by 12 noon on Monday, July 9, 2007 to (202)478-1334. The RFA will be available for pick up at 801 N. Capitol St. NE, Ground Floor, Washington, DC 20002. A copy can also be downloaded from the ODMPED website: www.dcbiz.dc.gov or from the Office of Partnerships and Grants Development website www.opgd.dc.gov. Pre-submittal meeting attendance is mandatory for application submission.

Questions regarding the RFP may be submitted in writing (via fax at 202-478-1359) before the pre-submittal meeting or in person at the meeting. Responses to questions will be addressed at the Pre-submittal meeting. Only questions pertaining to application procedure will be accepted after the Pre-submittal meeting. **Specific project related questions will NOT be answered.** Inquires should be directed to (202)478-1355.

NIF Target Areas: Anacostia, Bellevue, Bloomingdale/ Eckington, Brighwood/Upper Georgia Ave., Brookland/Edgewood, Columbia Heights, Congress Heights, Deanwood Heights, H Street, Logan Circle, Shaw, Washington Highlands. The boundaries for each target area are defined in the RFA. A target area map can be found at www.dcbiz.dc.gov – Neighborhood Investment Fund page.

BOARD OF ELECTIONS AND ETHICS

CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2006 Repl. Ed.

VACANT: 2A06, 8C02

Petition Circulation Period: Monday, July 9, 2007 thru Monday, July 30, 2007

Petition Challenge Period: Thursday, August 2, 2007 thru Wednesday, August 8, 2007

<u>VACANT</u>: 5C05

Petition Circulation Period: Monday, June 18, 2007 thru Monday, July 9, 2007 Petition Challenge Period: Thursday, July 12, 2007 thru Wednesday, July 18, 2007

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics 441 - 4th Street, NW, Room 250N Washington, DC 20001

For more information, the public may call 727-2525.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE, Washington, D.C. intends to issue a permit to construct and operate one (1) 100 kW diesel emergency generator at the Naval District office located at 915 N Street, SE, Washington, D.C.

The application to construct/operate the generator and the draft permit is available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Olaniyan Tajudeen, at (202) 535-2998.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Cecily Beall
Associate Director
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after August 6, 2007 will be accepted.

For more information, please contact Olaniyan Tajudeen at (202) 535-2998.

D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE CONCERNING COVERAGE UNDER THE PERFORMANCE MANAGEMENT PROGRAM

DEPARTMENT OF MOTOR VEHICLES

Sections 1351 through 1353 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-613.51 et seq.) (2001), established a comprehensive performance management system for the District government. Chapter 14, Performance Management, of Title 6 of the District of Columbia Municipal Regulations, implements the guidelines and procedures for the Performance Management Program pursuant to sections 1351 through 1353 of the CMPA.

As of the date of this notice, the majority of Career Service employees (especially, non-unionized, and non-managerial/non-supervisory) in agencies under the personnel authority of the Mayor are not covered under the Performance Management Program. However, section 1400.1 (e) of Chapter 14 of the regulations provides that the Director of the D.C. Department of Human Resources, may, on an agency-by-agency basis, authorize coverage under the Performance Management Program for this category of employees.

Further, section 1400.2 of the regulations provides that, upon authorizing an agency for coverage pursuant to section 1400.1 (e) of the chapter, the Director, D.C. Department of Human Resources, shall publish a notice in the *D.C. Register* concerning such authorization.

Accordingly, the purpose of this notice is to announce that on **Monday, June 4, 2007,** Brender L. Gregory, Director, D.C. Department of Human Resources authorized coverage under the Performance Management Program for non-unionized Career Service employees in the Department of Motor Vehicles employed at grades 12 and above in the following position categories:

Information Technology Administrative Services Program Management

Coverage for these employees begins on Monday, June 25, 2007.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

Bulletin of New Bank Application

Pursuant to D.C. Official Code § 26-704(b)(1)(A) (2001), the Commissioner of the Department of Insurance, Securities and Banking hereby gives notice that the Department of Insurance, Securities and Banking has received the following Application to convert a national bank to a District of Columbia chartered commercial bank in the District of Columbia:

Applicant:

Industrial Bank, NA

Date of Application: June 26, 2007

Proposed Location: District of Columbia

Any person desiring to comment on this application may do so by submitting written comments within twenty (20) days from the date of publication of this notice in the D.C. Register to:

Associate Commissioner for Banking Department of Insurance, Securities and Banking 810 First Street, NW, Suite 701 Washington, DC 20002

The public file for this application is available for inspection with the Department of Insurance, Securities and Banking during regular business hours from 8:30 a.m. to 5:00 p.m. at the address listed above.

INTEGRATED DESIGN & EDUCATION ACADEMY (IDEA) PUBLIC CHARTER SCHOOL

REQUEST FOR BID PROPOSALS

Cater School Lunch Program

The Integrated Design & Electronics Academy (IDEA) Public Charter School is currently soliciting bid proposals to provide lunch meals and snacks for 80 students enrolled at IDEA Public Charter School for the 2007-08 school year with a possible extension of four (4) one-year renewals. Meals will be served 4 days per week, Monday through Thursday. All meals must meet, but are not restricted to, minimum National School Lunch Program (NSLP) and Snack meal pattern requirements.

Interested parties will state their credentials and provide appropriate licenses, references, sample menus and scope of work. IDEA Public Charter School will pay up to \$3.00 per meal, exclusive of milk, for quality service and products.

Bid proposals will be received at IDEA Public Charter School, 1027 45th Street, NE, Washington, DC 20019 until 12:00 PM (EST) July 20, 2007. All bids must be marked --- Attention: SFC Carroll Travers, RFP Cater School Lunch Program. Copies of the bid specifications and statement of work can be obtained from the Main Office at the IDEA Public Charter School beginning July 6, 2007.

Please contact SFC Carroll Travers at 202-399-4750 ext 205 with any inquiries. Meal pattern requirements and any other necessary forms may be obtained from Morris Redd at 202-399-4750 ext 224.

INTEGRATED DESIGN & EDUCATION ACADEMY (IDEA) PUBLIC CHARTER SCHOOL

REQUEST FOR BID PROPOSALS

Custodial Services

The Integrated Design & Electronics Academy (IDEA) Public Charter School, in accordance with D.C. Code section 31-2853.14(c)(I)(A), is currently soliciting bids for custodial services at IDEA Public Charter School for the 2007-08 school year. The custodial company is to perform complete custodial services of the interior and exterior of the school facility.

This includes all restrooms, classrooms, lounges, halls, auditorium, cafeteria and other offices as requested. The company will provide coverage during normal school hours, but will perform the majority of custodial tasks after the conclusion of school. The company will perform its custodial responsibilities Monday through Friday, having access to the school until 9 pm daily.

Interested parties will state their credentials and provide appropriate licenses, and references. No proposal will be considered without an estimated cost. **Bid proposals will be received at IDEA Public Charter School, 1027** 45th Street, NE, Washington, **DC 20019 until 12:00 PM (EST) July 20, 2007**. All bids must be marked --- Attention: SFC Carroll Travers, RFP Custodial Services. Copies of the bid specifications and statement of work can be obtained from the Main Office at the IDEA Public Charter School beginning July 6, 2007.

Please contact SFC Carroll Travers at 202-399-4750 ext 205 with any inquiries, to pick up bid specifications, and/or to view the property area.

NATIONAL CAPITAL REVITALIZATION CORPORATION

SELECTION OF DEVELOPMENT TEAM FOR MCMILLAN SAND FILTRATION PLANT REDEVELOPMENT PROJECT

The National Capital Revitalization Corporation (NCRC), an instrumentality of the District of Columbia, hereby provides notice of its selection of *Vision McMillan Partners* as its Land Development Partner in connection with the redevelopment of the McMillan Sand Filtration Plant (the "McMillan Project"). The McMillan Site is bordered by Michigan Avenue NW, North Capitol, Channing and First Streets, NW.

On or about July 28, 2006, the NCRC issued *Phase I - Land Development:* Solicitation for Land Development Partner (the "Solicitation") to request proposals from development teams interested in partnering with NCRC to execute the land development phase of the McMillan Project. On or about September 28, 2006, NCRC received five (5) proposals in response to the Solicitation: Vision McMillan Partners, Republic Family of Companies, McMillan Center Partners, KSI Services-NREUV, and Horning Brothers.

NCRC staff reviewed all five (5) proposals and interviewed all five (5) development teams. Staff prepared a comprehensive confidential analysis of the strengths and weaknesses of all development teams based on the evaluation criteria set forth in the *Solicitation*. Staff delivered and presented the analysis to the NCRC Board. On or about January 24, 2007, following its complete review of the analysis, the NCRC Board of Directors short-listed four (4) development teams: *Vision McMillan Partners, Republic Family of Companies, McMillan Center Partners, KSI Services-NREUV*.

Through written correspondence dated April 11, 2007, KSI Services-NREUV withdrew itself from consideration. On May 29, 2007, at a public meeting the three (3) remaining development teams presented their qualifications, experience and financial capabilities to the NCRC Board of Directors and the McMillan Community Advisory Committee (MCAC). The following day, May 30, 2007, the three (3) teams hosted site tours of their current and past projects to members of the NCRC Board of Directors, the NCRC staff, and the MCAC. Professional consultants from Alvarez & Marsal also participated in the tours as advisors to NCRC staff.

Following the tours, NCRC staff prepared a comprehensive confidential analysis of the strengths and weaknesses of the three (3) development teams based on the evaluation criteria set forth in the *Solicitation*. Staff delivered and presented the analysis to the NCRC Board. Following its complete review of the analysis, the NCRC Board of Directors selected *Vision McMillan Partners* as the Land Development Partner for the McMillan Project.

For more information, please contact:

National Capital Revitalization Corporation 2025 M Street NW, Suite 600 Washington, D.C. 20036 Attn: McClinton Jackson III

Tel: (202) 530-5750

Office of the Secretary of the District of Columbia

June 21, 2007

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after July 15, 2007.

> Acosta, Shari R. Rpt Dept/Housing & Comm Dev 801 N Cap St, NE6thFl 20002 Adams, Juanita M. Rpt Greenstein DeLorme Luchs 1620 L St, NW#900 20036 Agnew, Monica R. New Louis Berger Group 2445 M St,NW 20037 New 720 11th St,NE Ahn, Paul 20002 Al-Kahlil-Bey, Almustaphael New 45 N Y Ave, NW 20001 Ali, Rashidah N. New Lincoln Property 101 Const Ave, NW#G125 20001 Allan, Austin V. New Wachovia Bank 1300 Conn Ave, NW 20036 Backus, Barbara M. Rpt Crowell & Moring 1001 Pa Ave, NW 20004 Banks, Deattra J. New 3929 Ames St, NE 20019 Barber, Kimberly A. New J P Morgan Private Bank 800 Conn Ave, NW9thF1 20006 Batts, Barbara G. Rpt Greenstein DeLorme Luchs 1620 L St,NW#900 20036

Bernard, Elmira	Rpt	N T E U 1750 H St, NW 20006
Bittle, Lakuita N.	New	National Assoc/Atty Gen 2030 M St,NW8thFl 20036
Booze, Joann	Rpt	National Press Club 529 14 th St,NW13thFl 20045
Bruton, Eric L.	New	Lincoln Property Company 101 Const Ave, NW#125 20001
Burns, Shannon N.	New	Louis Berger Group 2445 M St,NW 20037
Cagle, Shirley	New	6660 Ga Ave,NW#201 20012
Cashion, Janet P.	Rpt	L E C G 1725 I St,NW#800 20006
Castaneda, Martha	New	A B C Radio 4400 Jenifer St,NW 20015
Ceron, Edson	New	P N C Bank 1779 Columbia Rd,NW 20009
Chatman, June C.	New	Gettysburg Sr Village One 3001Bladensburg Rd, NE 20018
Codling, Racquel A.	New	210 36 th St,SE 20019
Crist, Shannon M.	New	Maddox Hoppe et al 1050 17 th St,NW#1000 20036
Cunningham, Rebecca J.	New	Leventhal Senter Lerman 2000 K St,NW#600 20006
Davies, Katharine	New	Arent Fox 1050 Conn Ave,NW 20036
Davis, Tracy	New	CitiBank 5001 Wis Ave,NW 20016

Doxie, Beverly A.	Rpt	Fannie Mae 3900 Wis Ave, NW 20016
Edwards, Orlando H.	New	
Elliott, La'Vonda D.	New	State Dept F C U 2201 C St, NW#B641 20520
Ester, Elizabeth A.	Rpt	Kirkland & Ellis 655 15 th St,NW 20005
Fagiolo, Jessica	New	Internat'lAssoc/FireFight 1750 N Y Ave,NW 20006
Ferguson, Krystal	New	CitiBank 5001 Wis Ave,NW 20016
Filion, Yolanda A.	New	Verizon 1300 I St,NW#400W 20005
Fleming, Sean	New	1737 W St, SE#201 20020
Fox, Carolyn	Rpt	The Cohen Group 1200 19 th St,NW#400 20036
Garcia, John Clemente	New	Lincoln Property Company 101 Const Ave, NW#125 20001
Geneus, Chantal M.	Rpt	Alderson Reporting 1111 14 th St,NW 20005
Gibson, Theresa F.	New	Progressive Life Center 1933 Montana Ave, NE 20002
Gilliam, Otelia Lee	New	7401 9 th St,NW 20012
Graham, Akim	New	L A D Reporting 1100 Conn Ave, NW#850 20036
Gray, Tracey A.	Rpt	The Washington Group 1401 K St,NW#1000 20005

Greenidge, Candice	New	D.C. Child & Family Serv 400 6 th St,SW 20024
Greenstein, David	New	The Talon Group 1120 20 th St,NW#725N 20036
Greenwood, David C.	New	Wachovia Bank 1447 P St,NW 20005
Hale, Peggy	Rpt	Penzance Management 3333 K St, NW#405 20007
Hamelin, Elizabeth M.	Rpt	Womble Carlyle et al 1401 I St,NW#700 20005
Heinzmann, Kymble	Rpt	Natl Labor Relations Bd 1099 14 th St,NW 20570
Henderson, Linda M.	New	Finnegan Henderson et al 901 N Y Ave, NW#1100 20001
Herriot, Jack L.	New	333 Bryant St, NE 20002
Hicks, Anne F.	Rpt	Thompson O'Donnell 1212 N Y Ave, NW#1000 20005
Hill, H. Lucas	New	The Rhoads Group 700 13 th St,NW 20005
Holt, Jennifer E.	New	Meridian Title 1700 Pa Ave,NW#400 20006
Hoofnagle, Steven E.	New	Maddox Hoppe et al 1050 17 th St,NW#1000 20036
Hunter, Thomas L. P.	New	Smithgroup 1850 K St,NW#250 20006
Jacobs, Yolanda L.	New	BP 1776 I St,NW#1000 20006
Jennings, Kemesha	New	Chevy Chase Bank 4000 Wis Ave, NW 20016

Jernigan, Tanya M.	New	202 Elmira St,SW#412 20032
Johnson, Cristina G.	New	1925 Yorktown Rd,NW 20012
Joyner, Judy V.	New	JVI 5034 Wis Ave,NW 20016
Keith, Teresa	Rpt	U.S. Secret Service 950 H St,NW#7400 20223
Kerns, Roberta F.	Rpt	Anita Glover & Assoc 1718 M St,NW#328 20036
King, Mildred	Rpt	3039 Naylor Rd, SE 20020
Kinkade, Linda S.	New	L A D Reporting 1100 Conn Ave, NW#850 20036
Kuhn, Cherie	New	Champion Title 1133 Conn Ave, NW 20036
Leitzel, John Spencer	New	Bank Fund Staff F C U 1818 H St,NW 20433
Leonard-Moore, Patricia	New	A P I 1220 L St,NW 20005
Lopez, Maria E.	New	Allied North America 1730 R I Ave, NW#601 20036
Lynch, Karen A.	New	Sterne Kessler et al 1100 N Y Ave,NW#800 20005
McCue, Suzanne G.	New	Credit Union Natl Assoc 601 Pa Ave, NW#600 20004
McDonald, Rhonda M.	New	Hunton & Williams 1900 K St,NW#1200 20006
McLaughlin, Rebecca	New	McLaughlin Funeral Home 2019 MLK Ave, SE 20020

McNamara, Donna	New	Nat'l Fish & Wildlife 1120 Conn Ave, NW#900 20036
Manning, Melissa		A U/Wash College of Law 4801 Mass Ave, NW 20016
Marshall, June L.	New	Eisen & Rome 1 Thom Circle, NW#850 20005
Martin, Mary A.	Rpt	Sun Trust Bank 900 17 th St,NW 20006
Martinez, Ana S.	New	Omni Shoreham Hotel 2500 Calvert St,NW 20008
Merchant, Elaine A.	New	HOR/Office of the Clerk 1718 L H O B 20515
Michiels, Megan C.	New	The Quota Group 1054 31st St,NW#314 20007
Molash, Michael	New	Same Day Process Service 1322 Maryland Ave, NE 20002
Nelson, Carla S.	New	Morgan Lewis Bockius 1111 Pa Ave,NW 20004
North, Linda	New	Duane Morris 1667 K St,NW#700 20006
Olender, Thomas W.	Rpt	Olender Reporting 1522 K St,NW#720 20005
Parham, Trinza L.	New	Sterne Kessler et al 1100 N Y Ave,NW 20005
Parker, Tracey R.	New	CitiBank 1749½ Columbia Rd,NW 20009
Petruska, Donna L.	Rpt	Hyman Phelps McNamara 700 13 th St,NW#1200 20005
Pope, Darlene M.	New	Turn-Key Construction 3003 17 th St,NE 20018

Post, Gloria J.	New	Natl Assoc/Attnys Gen 2030 M St,NW 20036
Powers, Merideth A.	New	Alphatec 1525 18 th St,NW 20036
Price, Jessica	New	Fidelity Investments 1900 K St,NW#110 20006
Reese, Jennifer J.	New	Carliner & Remes 1150 Conn Ave, NW#610 20036
Reichel, Sherry A.	New	Lung Cancer Alliance 1747 Pa Ave, NW#1150 20006
Roberts, Kathryn P.	Rpt	Sidley Austin 1501 K St,NW 20005
Robinson, Sean D.	New	Chevy Chase Bank 5714 Conn Ave, NW 20015
Rothwell, William	New	Commerce Bank 1753 Conn Ave, NW 20009
Rucker, CharleneA.	Rpt	2346 Hunter Pl,SE 20020
Scott, Barrington D.	New	Washington Home 3720 Upton St,NW 20016
Scott, Evelyn W.	New	Morgan Lewis Bockius 1111 Pa Ave, NW 20004
Shaw, Angela D.	New	G W Univ Hospital/HIM 900 23 rd St,NW 20037
Sibley, Robin	New	Marriott International 999 9th St,NW 20001
Smith, Patricia	Rpt	1004 Southern Ave, SE 20032
Stanfield, Yolanda	New	1220 I St,SE#11 20003

Stanton, Dwayne A.	New	Lincoln Property 101 Const Ave, NW#G125 20001
Terry, Michele M.	Rpt	Cooter Mangold et al 5301 Wis Ave, NW#500 20015
Vallecillo, Kyle	New	Sterne Kessler et al 1100 N Y Ave,NW 20005
Vilain, Fito	New	SunTrust Bank 415 14 th St,SE 20003
Vitale, Claudia	New	North American Title 805 D St,NE
Warren, Cedric	New	Chevy Chase Bank 1545 Wis Ave, NW 20007
Williams, Debra C.	New	Sterne Kessler et al 1100 N Y Ave, NW 20005
Williams, Wendy	New	Acrigraphics 127 Kennedy St,NW 20002
Wolfgang, Joyce L.	New	Ogletree Deakins 2400 N St,NW5thF1 20037
Young, Paulette M.	New	Credit Union Natl Assoc 601 Pa Ave, NW#600 20004

GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application No. 17276-C of Phillips Park, LLC, pursuant to 11 DCMR 3104.1, for a special exception from section 2516 of the Zoning Regulations to allow the construction of a theoretical lot subdivision for thirty-five single-family homes in the R-1-A zone district at 2101 Foxhall Road, NW, Square 1346, Lot 822.

HEARING DATES:

February 15, 2005, February 22, 2005,

and March 8, 2005

DECISION DATE:

April 5, 2005

DECISION DATE ON RECONSIDERATION & MINOR CORRECTION:

September 13, 2005

DECISION DATE ON MINOR MODIFICATION:

June 5, 2007

DECISION AND ORDER ON MODIFICATION OF APPROVED ORDER¹

By order dated July 26, 2005, the Board of Zoning Adjustment ("Board") approved Application No. 17276, of Phillips Park, LLC ("Applicant").

On September 13, 2005, the Board denied the motion for reconsideration of its decision filed by Friends of Whitehaven. Final Order No. 17276-A was issued on November 3, 2005.

On September 13, 2005, the Board also decided to correct its original order by clarifying the Applicant's obligations under 11 DCMR § 2516.6(b). The Corrected Decision and Order No. 17276-B, was issued on November 3, 2005. The original order approving the application, as well as the corrected order (17276-B), contained 16 conditions.

FINDINGS OF FACT

1. On May 1, 2007, the Applicant filed a request for minor modification to Condition No. 4 of BZA Order No. 17276-B, and a waiver of Section 3129.3, the six-month time limit for filing such requests. The Applicant served the motion on the parties to the Application.

¹This Order is an addendum to Board of Zoning Adjustment Order No. 17276-B. All provisions of Order No. 17276-B remain in effect except as specifically modified herein.

BZA APPLICATION NO. 17276-C PAGE NO. 2

2. Condition No. 4 provides as follows:

"The proposed dwellings shall be constructed behind the building setback lines shown on the Preliminary Grading Plan contained in Exhibit 50, Tab 1 of the record. Pools shall be constructed within building setback lines. With the exception of lots abutting parkland or the 44th Street right-of-way (lots A-10, A11, A29, A30, A12, A13, A34 and A35), patios at grade and decks at or below the main floor shall be permitted between the building setback line and the individual lot lines."

- 3. The Applicant stated that it does not seek to alter the condition as it applies to those lots abutting parkland or the 44th Street right-of-way. However, the Applicant argues, the language relating to the location of pools, on interior lots, is inconsistent with the Zoning Regulations and would preclude in-ground pools from being constructed, should a homeowner express a desire to do so.
- 4. In line with this reasoning, the Applicant proposes the following language for Condition No. 4:

"The proposed dwellings shall be constructed behind the building setback lines shown on the Preliminary Grading Plan contained in Exhibit 50, Tab 1 of the record. With the exception of lots abutting parkland or the 44th Street right-of-way (lots A-10, A-11, A-29, A-30, A-12, A-13, A-34 and A-35), in-ground pools, patios at grade and decks at or below the main floor shall be permitted between the building setback line and the individual lot lines."

- 5. The Applicant pointed out that the architectural guidelines that it offered to the Board, which included the pool limitations, were aimed at addressing the National Park Service concern that pools not encroach on the buffer rear yards against the Park. Consistent with that, decks and patios were permitted between the building setback line and the individual lot lines, with the exception of the lots specifically identified in Condition #4 of the Board's Order, i.e. lots abutting parkland or the 44th Street right-of-way. The Applicant was interpreting the language as restricting all pools within the entire development to be within building setbacks. However, it was the Applicant's intent that the restriction on in-ground swimming pools for interior lots be identical to the restrictions on decks and patios. Thus, the proposed change to Condition No. 4 was requested.
- 6. Section 3129.7 of the Zoning Regulations (11 DCMR) provides that approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon in approving the application. The Applicant maintains that the modification in this case is minor and well within the Board's authority to approve under § 3129 of the Zoning Regulations.

BZA APPLICATION NO. 17276-C PAGE NO. 3

7. There was no filing in support or opposition to the modification voiced by any parties to the Application within the required 10-day period, pursuant to Section 3129.4

CONCLUSIONS OF LAW

At its public meeting on June 5, 2007, the Board waived the 6-month time requirement of 11 DCMR § 3129.3 and decided to accept, and address, the Applicant's request. After reviewing the Applicant's motion for modification, the Board concludes that the modification requested is minor and does not change the material facts upon which the Board relied in approving the application. See, 11 DCMR § 3129.7. Therefore, the Board concludes that the Applicant's request for a revision of the order, as indicated above, meets the requirements set forth in the regulations for a minor modification and it is hereby **ORDERED** that the motion is **GRANTED**. Consistent with the designation of lots abutting parkland or the 44th Street right-of-way, the Board has added lots A-31, A-32 and A-33 to Condition No. 4. Pursuant to this approval, **Condition No. 4** shall read as follows:

4. "The proposed dwellings shall be constructed behind the building setback lines shown on the Preliminary Grading Plan contained in Exhibit 50, Tab 1 of the record. With the exception of lots abutting parkland or the 44th Street right-of-way (lots A-10, A-11, A-12, A-13, A-29, A-30, A-31, A-32, A-33, A-34 and A-35), in-ground pools, patios at grade and decks at or below the main floor shall be permitted between the building setback line and the individual lot lines."

VOTE:

4-0-1 (John G. Parsons, Curtis L. Etherly, Jr., John A. Mann II, and Ruthanne G. Miller to grant; Geoffrey H. Griffis not voting, no longer sitting on the Board)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT.
Each concurring Board member has approved the issuance of this Order.

FINAL DATE OF ORDER:	
FINAL DATE OF ORDER	

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND

BZA APPLICATION NO. 17276-C PAGE NO. 4

REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY AFFILIATION. **POLITICAL** MATRICULATION, RESPONSIBILITIES. DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application No. 17625 of Our Lady of Victory Church, pursuant to 11 DCMR § 3104.1, a special exception for the placement of a temporary classroom modular trailer on an existing private school campus under Section 206, in the R-1-B Zone District, at 4755 Whitehaven Parkway, NW (Square 1374, Lot 4).

HEARING DATE:

June 19, 2007

DECISION DATE:

June 19, 2007 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR §3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, by mail to Advisory Neighborhood Commission ("ANC") 3D, and to owners of property within 200 feet of the site. The property that is the subject of this application is located within the jurisdiction of ANC 3D.

As directed by 11 DCMR §3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case pursuant to § 3104.1, for a special exception under § 206 of the Zoning Regulations. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The applicant operates a private school for pre-kindergarten through 8th grade with classroom instruction generally from 8 am to 3 pm. The applicant seeks only the temporary placement of one modular trailer to be used as a classroom on the school's property while interior construction activity is undertaken in the existing school building on the applicant's property.

The D.C. Office of Planning ("OP") concluded that the application is in conformance with the provisions of § 206. ANC 3D submitted a letter in support of the application, dated May 17, 2007, unanimously approving the request for special exception.

Based upon the record, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 and 206, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the special exception will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Board notes, and gives

BZA APPLICATION NO. 17625 PAGE NO. 2

great weight to, the report of OP that the application satisfies the requirements of § 206. The Board also notes, and gives great weight to, ANC 3D's support for the application.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is, therefore, ORDERED that the further processing application be GRANTED, SUBJECT to the following CONDITION:

1. The Applicant is permitted to locate the temporary classroom modular trailer on its property for up to FIVE (5) years from the date that the trailer is placed on the property.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4-0-1:

(Ruthanne G. Miller, Curtis L. Etherly, Jr., Marc D. Loud, and John A. Mann II to approve, the Zoning Commission member not participating, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT Each concurring member approved the issuance of this Order.

FINAL DATE OF ORDER: June 21, 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY

BZA APPLICATION NO. 17625 PAGE NO. 3

OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS. RESPONSIBILITIES, MATRICULATION. **POLITICAL** AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application No. 17632 of Estelle Goldman on behalf of 7-Eleven, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to continue the operation of a retail grocery/delicatessen store with basement storage (last approved under BZA Order No. 17021) under subsection 2003.1, in the FB/R-3 District at premises 912 New Hampshire Avenue, N.W. (Square 28, Lot 122).

HEARING DATE:

June 19, 2007

DECISION DATE:

June 19, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. ANC 2A submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 2003. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2003.1, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and

BZA APPLICATION NO. 17632 PAGE NO. 2

conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**, **SUBJECT to the following CONDITIONS:**

- 1. Approval shall be for a period of FIVE (5) YEARS.
- 2. The hours of operation shall be from 7:00 a.m. to 11:00 p.m. daily.
- 3. Deliveries from the 7-Eleven distribution center shall be between 8:00 pm and 10:00 pm only.
- 4. All other deliveries shall be on a scheduled basis between 9:30 am and 3:30 pm so that only one delivery vehicle is at the site at any given time
- 5. All deliveries shall be made using the commercial loading zone on New Hampshire Avenue immediately adjacent to the site.
- 6. Applicant will empty the trash containers belonging to 7-Eleven and the District government in front of the store at least twice daily or more frequently as required.
- 7. Applicant will clean the sidewalk and gutter in front of the store to ensure they are clean at all times.
- 8. Applicant will clear trash from the sidewalks in front of the adjacent and nearby buildings to the north and south of the store on a regular basis.
- 9. Applicant will clear snow and ice from the sidewalk in front of the store to ensure safe passage.
- 10. Applicant will maintain the exterior appearance of the premises in keeping with the residential character of the Foggy Bottom Historic District and Foggy Bottom Overlay District. Any exterior lighting shall be minimized and directed downward and away from all adjoining residential property. Applicant will take all reasonable measure to minimize the light visible from the inside of the store, and will maintain tinted windows and doors.
- 11. No signs or poster will be posted in the windows and no public telephones, teller machines or other similar devices will be added to the exterior of the building. No electronic or mechanical amusement machines will be located on the premises.
- 12. No storage containers or items, except garbage receptacles, will be stored on the exterior of the store.

BZA APPLICATION NO. 17632 PAGE NO. 3

13. Applicant will ensure that the shrubs along the handicapped railing are of a height that covers the railing completely when seen from the sidewalk and that perennial and seasonal landscaping are provided so as to beautify the premises.

VOTE: 4-0-1

(Ruthanne G. Miller, Curtis L. Etherly, Jr. John A. Mann II and Marc D. Loud to approve; No Zoning Commission member participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JUN 25 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT.

BZA APPLICATION NO. 17632 PAGE NO. 4

DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TWR

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA NOTICE OF FILING

Z.C. Case No. 07-18

(Consolidated PUD – Square 347, Lots 18, 19, 818, 819, 820, and 821) June 21, 2007

THIS CASE IS OF INTEREST TO ANC 2C

On June 20, 2007, the Office of Zoning received an application from Jemal's Up Against the Wall, LLC (the "applicant") for approval of a consolidated PUD for the above-referenced property.

The property that is the subject of this application consists of Square 347, Lots 18, 19, 818, 819, 820, and 821 in Northwest Washington, D.C. (Ward 2) and is located on the northeast portion of Square 347 and portions of the public alley in Square 347 to be closed, also known as 1000 F Street, N.W. The property is currently zoned DD/C-4.

The applicant proposes to construct a new 11-story office building with ground floor retail. The proposed development consists of approximately 91,186 square feet of office space and approximately 6,218 square feet of retail space. The building will be 120 feet tall with an 8.26 floor area ratio (FAR). The project includes retention and rehabilitation of the existing building located at 10th and F Streets, N.W., as well as the rehabilitation and relocation of the Waffle Shop from Square 820 to Squares 450 and 451.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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